

TOWN OF UNION PLAN COMMISSION MEETING

Minutes for May 31, 2007

The Town of Union Plan Commission meeting was called to order on May 31, 2007 at the Eager Free Public Library, 39 W. Main Street, Evansville, WI at 7:05 p.m. by Alvin Francis. Members present included Doug Zweizig, Kim Gruebling, Mike Exum, Alvin Francis, Marty Johnson, Eric Larsen and Richard Templeton. Also in attendance: Town Engineer: Greg Hofmeister. Building Inspector Bob Fahey.

Doug Zweizig moved to approve the April 27, 2007 Plan Commission minutes with the correction of adding clarity by adding the Land Use Chapter and Housing Chapter on page 1 and that Mike Exum would call DOA regarding small wind energy ordinance language on page 2. Second by Mike Exum. Minutes approved.

Oath of Office

Attorney Matt Dregne from the Stafford Law Firm in Madison introduced himself and his summer intern Elizabeth. Matt came on short notice to provide legal assistance to the Plan Commission in their review of zoning and land division applications and other agenda items.

Report from Plan Commission Training Attendees

Kim Gruebling provided keypoints learned from the Plan Commission Training session that Mike, Kim, and Doug attended at the Rock County Court House.

Kim reinforced the need to follow the process of requiring people to address their comments to the commission rather than other audience members. He stated that motions should be based on items included in the ordinances and Smart Growth Plan.

Formulate a Plan to Distribute New Lots, Meeting the Goals of the Comprehensive Plan.

Alvin noted a desire to formalize a plan to limit housing growth. Section Page 5 of 5 in the Housing Section of the Comprehensive Plan suggests limiting growth to 50 new lots over any two year period. Question of when to start the two year period.

Attorney Dregne noted challenges associated with trying to limit growth via limiting building permits and lots. Matt noted that the zoning ordinance and the Comprehensive Plan is the Commission's best method for controlling growth. He advised against limiting growth at the building permit level based on property owner rights and their vested interest to be able to build a home on their buildable lot. He questioned if the Commission wanted to use the Comp Plan as an informal guide when approving new lots, or if they want something more formal.

Mike Exum wanted to know if this issue could be addressed by a sub-group with the hopes of developing a more formal procedure for limiting growth. Kim Gruebling felt an informal approach would be fine.

Marty Johnson moved to have town council look at our Comprehensive Plan, respond to Don Krajecks proposal for limiting growth and forward existing growth management allocation plans to the Commission. Second by Mike Exum. Motion passed by unanimous voice vote.

Discussion and recommendation to Town Board for request by Randy Shotliff, 4215 Winnequah Dr. Monona, WI 53716 for a land division and zoning change to create 22 rural residential parcels (20 buildable lots and 2 outlots) using 41.65 acres of land from two A1 parcels (#6-20-212 (89.406 acres) & #6-20-211 (33.1 acres)). The remaining 80 some acres of parcels #6-20-212 and #6-20-211 will then be combined with the A1 parcel #6-20-210

(32.881 acres) to create one large A1 parcel of approximately 114 acres. This land is located in the NW 1/4 of Section 24 and part of the SW 1/4 of Section 24.

Mike Exum referred to section 7 of the state's directions for Preparing a Future Land Use Map. He stated that originally the future land use map dated December 7, 2005 had long term and short term growth indicated on it, however that these areas were removed so that the map could be submitted with the funding application. Long term and short term growth designations are still referred to in Comprehensive Plan. Lands north of Territorial Rd are designated for long term development (20 year)

Doug Zweizig read the following statement:

"At our last meeting, Bob Janes said that the Commission appeared to be dragging its feet in deciding on this application. While I think Mike Exum cleared up that perception and that we should gain the information we need to make a decision. I also think that we should avoid extending this decision any longer than necessary.

It seems to me that we have two kinds of questions that we have been considering here: what kind of residential development the Commission might approve on this rezoned property and whether the Commission will approve any kind of residential development in the year 2007 when the Comprehensive Plan adopted in 2006 premises to preserve farmland, to preserve the rural character of the Town, and identifies this property as suited for long-term development, that is, sometime after 2016. I think that we need to decide on the second question first, whether to approve rezoning from A-1 to RR for development, before we consider the question of what kind of development might be suitable, whether it would produce a positive return on taxes and so on."

Motion by Doug Zweizig that the Plan Commission recommend to the Town Board that they deny the request by Randy Shotliff, 4215 Winnequal Dr., Monona, WI 53716 to re-zone 41.65 acres of land from two A-1 parcels (#6-20-212 & #6-20-211) to create 22 rural residential (R-R) parcels.

- In section 17.13 (1) of the Zoning Ordinance: "The intent of the R-R District is to provide for rural residential development on soils that are compatible for on-site disposal of sewage effluent, will substantially support a residential structure, and **will not infringe on prime agricultural soils.**" (emphasis added) The proposed rezoning would convert over 40 acres from farmland to housing. The projected development for this land would removed permanently, for all practical purposes, over 150 acres of quality farmland from production.
- In Section 17.13 (1) of the Zoning Ordinance: "No land shall be rezoned to the R-R District unless such zoning is consistent with the Development Plan." The 20-year Town of Union Comprehensive Plan in the Housing Chapter, in order "to maintain the rural character of the township while meeting the housing needs of its residents," has the **Objective** of encouraging "development adjacent to already developed areas" with the **Action** of identifying "short-term and long-term areas for development on the Land Use map" and gives reasons for this action. The chapter on Land Use refers (p. 11) to the "areas identified for future growth and development. These areas are designated as : 1. Targeted short-term residential area, 2. Targeted long-term residential area, 3. Future commercial areas.' The "Smart Growth Map: Proposed Land Use Map 12 07 05" located on the Town of Union website shows the location of the Targeted short-term residential area and the Targeted long-term residential area. The proposed rezoning would be located in the Targeted long-term residential area, an area that would be considered for development in the second half of the twenty-year plan, or sometime after 2016 for a plan approved in 2006.

- In Section 17.20 of the Zoning Ordinance, “(3) Land Use. A. Compatibility with existing or proposed uses in the area. B. Relation to any existing land use plan.” are “Standards” that may be used in considering a rezoning request. The proposed development of this property would not be compatible with the existing uses in the area and is not consistent with the Land Use chapter in the Comprehensive Plan. Neighboring landowners have repeatedly testified to the incompatibility of the proposed development with their properties.

Motion second by Eric Larsen. Eric stated concern about using the long term/short term map over the scoring tools. Alvin noted a desire for public and petitioner comments. Other members inferred no additional public comment was needed and were prepared to vote.

Mike Exum - Y; Marty Johnson - Y; Eric Larsen - N; Doug Zweizig - Y; Rich Templeton - Y; Kim Gruebling - N; and Alvin Francis - N Motion to deny carried by a 4-3 vote.

Cost of Community Services Related to Development

Mike Exum would like to find students to complete a study to calculate the cost of community services for the Town of Union.

Alvin Francis moved to ask the town board to consider providing information and support considering the cost of community services for the Town of Union. Second by Mike Exum. Motion passed by unanimous voice vote.

Discussion on Wind Energy

Mike Exum stated that he has been in contact with town residents regarding an ordinance on wind energy. Mike distributed an e-mail to members regarding an ordinance.

Kim Gruebling read from State Statute Subchapter IV Regulation 66.0401 regarding the state narrowing the town’s discretion over denying wind towers to only health and safety issues.

Mike Exum moved to forward the small wind energy system ordinance to legal counsel, our town’s engineer and building inspector, and Mick Sagrillo at Focus on Energy for review. Second by Eric Larsen. The current draft ordinance prepared by Mike Exum is a combination of the state’s model ordinance, and other townships around the state. Motion passed by unanimous roll call vote.

Alvin opened the meeting to public comment limiting each person to 3 minutes. He also noted that he himself had been approached to have a wind generator installed on his property.

Cathy Bembinster, 18002 W. Cty Rd. C, Evansville, read a statement proposing a quality of life ordinance be added to the Smart Growth Plan. “This ordinance would hold it’s integrity for any industrial growth that we may face in the future by preserving our current high standards of living in the Town of Union.”

Mark Guda shared a number of concerns which were included in a few of the e-mail she had sent to the clerk which she had forwarded to the commission members. Scott McElroy asked if the Plan Commission read the Town of Lincoln report. A few had and he urged the others to read it. He noted damage to aquifers and stray voltage as well as concerns about maintenance. Tom Alisankus reinforced the town’s ability to make a wind tower ordinance as strict as they want regarding health and safety. Jim Bembinster stated concerns about what will happen when tax credits disappear.

Gary Haltmuferderheide from ECO Energy a division of the Morse Group stated the Town of

Lincoln study was done about 10 years ago. He encouraged baby steps in the process, recommended people visit a web site that was pro wind towers and read a study by the Public Service Commission which he is willing to share with them. He is willing to meet with anyone who would like to talk.

Lori Welch from Magnolia Township is having Four Winds install a wind turbine on her land. She shared she did much research and spoke with people living near other wind towers and found favorable response.

Eric Kostecki, Wisconsin Public Power shared that Lincoln Township is an anomaly and much improvement has been made in wind towers since.

Mike Exum asked what would be ramifications to the township for not having an ordinance on the books. Attorney Dregne stated he would have to research this issue before giving a final opinion. Rich Templeton asked what the benefit to the township would be. It was noted that 50 megawatts would be required before the township would receive additional state shared revenues.

Gary noted that with the size of the wind towers proposed, that they do not have to seek PSC approval nor are they legally required to complete an environmental impact study. Doug asked if we could require an environmental impact study.

Greg Helgeson asked how many towers are being proposed. Gary stated 3-5 which would power Evansville.

Mike asked if we could explore a moratorium against building wind towers. Attorney Dregne needed to check on the possibility of doing this.

Marty Johnson moved to recommend to the town board to seek legal council to review whether or not we can do a moratorium on large scale wind turbines pending further review and development of regulations and to review the growth management allocation plan and provide review comment and model ordinances and small wind energy systems. Second by Mike Exum. Motion approved by unanimous voice vote.

Town Engineer, Greg Hofmeister felt a tower ordinance would be appropriate to handle other type towers as well.

Adjournment

Motion by Mike Exum to adjourn. Second by Marty Johnson. Meeting adjourned at 9:42 p.m.

Respectfully submitted by:
Linda O'Leary

Note: Minutes considered draft until approved by the Plan Commission.